

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

JAMES ROBINSON,
Plaintiff,

v.

THE NATIONAL STUDENT
CLEARINGHOUSE,
Defendant.

) Docket Number: 1:19-CV-10749-FDS
)
) District Judge: The Honorable F. Dennis Saylor, IV
)
) Magistrate Judge: The Honorable Donald L. Cabell
)
)
)

**CLASS MEMBER'S MOTION FOR
THIS HONORABLE COURT'S INDICATIVE RULING**

Pursuant to Federal Rule of Civil Procedure 62.1(a)(3), Class Member Objector Paúl Camarena respectfully moves this Honorable Court for an indicative ruling, and Class Member Objector Paúl Camarena, in support, states as follows:

Pursuant to Rule 23(e)(5)(B)(ii), Objector Paúl Camarena filed a Motion for the Court's Approval of Payment for Forgoing An Appeal on August 3, 2020¹. Objector Paúl Camarena filed a Notice of Appeal on August 7, 2020, which was the Notice of Appeal deadline².

"The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal³." However, Rule 62.1(a), in relevant part, provides that, "[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may ... deny the motion [or] state [] that it would grant the motion if the court of appeals remands for that purpose." Rule 23(e)(5)(C) also specifically states that, "[i]f approval under Rule 23(e)(5)(B) has not been obtained before an appeal is docketed in the court of appeals, the procedure of Rule 62.1 applies while the appeal

¹ ECF 43.

² ECF 44.

³ *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (*per curiam*).

remains pending.”

Class Member Objector Paúl Camarena timely filed his Motion for the Court’s Approval of Payment for Forgoing An Appeal. Thus, pursuant to Rule 62.1(a)(3) and Rule 23(e)(5)(C), this Honorable Court has jurisdiction to issue an indicative ruling by stating whether the Court would grant that motion even though the appeal is pending. Wherefore, Class Member Objector Paúl Camarena respectfully moves this Court to issue an indicative ruling, so that the parties can be informed about whether the appeal will proceed.

Respectfully submitted,
Class Member Objector Paúl Camarena
/s/ Paúl Camarena
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